

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In Re:	)	
	)	
KEVIN LEE EARHART, and	)	Case No. 08-40158-659
FRANCESCA CHRISTINE EARHART,	)	Chapter 7
	)	
Debtors.	)	

**ORDER**

The matter before the Court is Motion to Reconsider Order on Generic Application for Payment of Unclaimed Funds (hereinafter "Motion to Reconsider") filed by Chapter 7 Trustee, Fredrich J. Cruse. In the Motion to Reconsider, Trustee states that Trustee's Motion to Deposit Funds into the Court Registry failed to indicate that both Debtor and Co-Debtor had an interest in the funds in question. Trustee further states that the software that Trustee uses generates the claim for surplus funds based only on the first named Debtor, therefore in this case leaving Co-Debtor's name off the check as payee. Finally, Trustee states that Trustee is not aware of any reason why Co-Debtor would not be entitled to one-half of the funds in question. Therefore, based upon a consideration of the record,

**IT IS ORDERED THAT** Motion to Reconsider Order on Generic Application for Payment of Unclaimed Funds is **GRANTED** and the Order dated August 17, 2021 denying the Application for Payment of Unclaimed Funds filed by Grace Recover Center, LLC on behalf of Francesca Christine Earhart is **SET ASIDE**; and

**IT IS FURTHER ORDERED THAT** the Application for Payment of Unclaimed Funds filed by Grace Recovery Center, LLC on behalf of Francesca Christine Earhart filed on November 15, 2021 is **GRANTED** and Claimant is entitled to \$9,959.73.



KATHY A. SURRATT-STATES  
Chief United States Bankruptcy Judge

DATED: November 24, 2021  
St. Louis, Missouri

Copies to:

Office of the United States Trustee  
Thomas F. Eagleton U.S. Courthouse  
111 South 10th Street, Suite 6.353  
St. Louis, MO 63102

Kevin Lee Earhart  
9011 Kathlyn Drive  
Saint Louis, MO 63134

Francesca C. Earhart  
14095 E. Evans Ave  
Aurora, CO 80014-1450

Greg A. Luber  
501 First Capitol Drive  
St. Charles, MO 63301

Fredrich J. Cruse  
Fredrich J. Cruse, Trustee  
P.O. Box 914  
718 Broadway  
Hannibal, MO 63401

Grace Recovery Center, LLC  
Attn: Rosa Petritz  
9509 Waterman Dr.  
Aubrey, TX 76227-5748

United States Bankruptcy Court

Eastern District of Missouri

In re:  
 Kevin Lee Earhart  
 Francesca Christine Earhart  
 Debtors

Case No. 08-40158-kss  
 Chapter 7

## CERTIFICATE OF NOTICE

District/off: 0865-4  
 Date Rcvd: Nov 24, 2021

User: admin  
 Form ID: pdf01

Page 1 of 2  
 Total Noticed: 3

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 26, 2021:**

Recip ID	Recipient Name and Address
db	+ Kevin Lee Earhart, 9011 Kathlyn Drive, Saint Louis, MO 63134-3553 Francesca C. Earhart, 14095 E. Evans Ave, Aurora, CO 80014-1450
intp	+ Grace Recovery Center, LLC, 9509 Waterman Dr, Aubrey, TX 76227-5748

TOTAL: 3

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**  
 Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

**The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.**

NONE

## NOTICE CERTIFICATION

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 26, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 24, 2021 at the address(es) listed below:**

Name	Email Address
Cynthia M Kern Woolverton	on behalf of Creditor Deutsche Bank National Trust Company bkty@msfirm.com cwoolverton@ecf.courtdrive.com
Fredrich J. Cruse	on behalf of Accountant Michael N. Tompkins trustee@cruselaw.com MO34@ecfcbis.com
Fredrich J. Cruse	trustee@cruselaw.com MO34@ecfcbis.com
Fredrich J. Cruse	on behalf of Trustee Fredrich J. Cruse trustee@cruselaw.com MO34@ecfcbis.com
Greg A. Luber	

Certificate of Notice Pg 4 of 4

District/off: 0865-4

User: admin

Page 2 of 2

Date Rcvd: Nov 24, 2021

Form ID: pdf01

Total Noticed: 3

on behalf of Debtor Kevin Lee Earhart gluber@501lawfirm.com gluber51@yahoo.com

Greg A. Luber

on behalf of Debtor Francesca Christine Earhart gluber@501lawfirm.com gluber51@yahoo.com

Office of US Trustee

USTPRegion13.SL.ECF@USDOJ.gov

TOTAL: 7